

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICHOLAS A. KIMMONS,

Plaintiff,

v.

SACRAMENTO COUNTY MAIN JAIL,
et al.,

Defendants.

No. 2:24-cv-01572-EFB (PC)

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff, a state inmate, proceeds without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

On June 13, 2025, the court screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A. ECF No. 6. The court found that plaintiff had stated a potentially cognizable excessive force claim against defendant Llamas. It dismissed plaintiff's remaining claims and granted plaintiff thirty days in which to file an amended complaint to cure the deficiencies in those claims or advise the court that he wished to proceed on the original complaint (i.e., the potentially cognizable claim against Llamas). *Id.*

The time for acting has now passed and plaintiff has not filed an amended complaint or otherwise responded to the court's order. Thus, it appears that plaintiff is unable or unwilling to cure the defects in the complaint.

1 Accordingly, it is ORDERED that the Clerk of Court randomly assign a district judge to
2 this action. It is further RECOMMENDED that this action proceed solely on the complaint's
3 potentially cognizable excessive force claim against defendant Llamas and that all other claims be
4 dismissed without prejudice.

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
7 after being served with these findings and recommendations, any party may file written
8 objections with the court and serve a copy on all parties. Such a document should be captioned
9 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
10 objections shall be served and filed within fourteen days after service of the objections. The
11 parties are advised that failure to file objections within the specified time may waive the right to
12 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
13 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

14
15 Dated: September 17, 2025


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE